UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1998/SR.45
30 November 1998

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Nineteenth session

SUMMARY RECORD OF THE 45th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 26 November 1998, at 10.30 a.m.

Chairperson: Mr. CEAUSU
(Vice-Chairperson)

later: Mr. ALSTON

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GE.98-19959 (E)

The meeting was called to order at 10.35 a.m.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 3) (continued)

Joint statement on the indivisibility of human rights and gender awareness

1. The CHAIRPERSON recalled that during the ninth meeting of Chairpersons of international human rights treaty bodies, the Chairperson of the Committee on the Elimination of Discrimination against Women had proposed that, together with the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, it should issue a joint statement on the indivisibility of human rights and gender awareness to mark the fiftieth anniversary of the Universal Declaration of Human Rights. The Chairperson of the Committee on the Elimination of Discrimination against Women had prepared a joint statement along those lines, which was now submitted to the Committee for consideration. The draft statement, available in English only, read as follows:

> "The principle of indivisibility of all human rights is a fundamental underpinning of the international consensus on human rights. The Universal Declaration of Human Rights establishes the canon of rights and freedoms to which all human being are entitled. These rights, and their indivisibility, have been reiterated in international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The World Conference on Human Rights held in 1993 underscored the interdependence of all human rights, and emphasized that all societies should work to ensure the enjoyment by all their members of their civil, political, economic, social and cultural rights, including their right to development.
>
> "The principle of the equal rights of women and men is one of the pillars of the United Nations. Reflected in the Charter of the United Nations, the Universal Declaration of Human Rights and all subsequent major international human rights instruments, this principle is elaborated in the Convention on the Elimination of All Forms of Discrimination against Women. The Convention codifies women's right to non-discrimination and equality with men and also establishes that women and men are equally entitled to the full enjoyment and exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. In so doing it reflects the principle of indivisibility of rights.
>
> "The two Covenants are premised on the entitlement of all human beings, without distinction based on sex, to the rights in these instruments. They also oblige States parties to ensure the equal entitlement of women and men to the enjoyment of these rights.
>
> "The 1990s have been characterized by a growing understanding of the interdependence between human rights and fundamental freedoms, sustainable development, and democracy. This decade has also witnessed renewed emphasis on women's entitlement to assert and exercise their human rights. The achievement of equality is no longer seen solely, or

primarily, as the responsibility of women, but is increasingly recognized as a societal responsibility and a legal obligation assumed by States parties to international human rights instruments.

"The centrality of gender equality in the full enjoyment of human rights is reshaping the way in which the scope and content of human rights, and the resulting obligations for implementation, are understood.

"The Human Rights Committee, the Committee on Economic, Social and Cultural Rights, and the Committee on the Elimination of Discrimination against Women recognize their critical role in increasing the understanding of gender factors in the enjoyment of human rights. They are conscious of the need to interpret creatively the human rights norms they monitor so that they can be applied to those experiences of women which differ from those of men. The Committees underline that a broader, inclusive understanding of such rights brings with it an international legal obligation for States parties to ensure to women the full enjoyment of all their human rights.

"The Committee on the Elimination of Discrimination against Women provides leadership, within the United Nations human rights treaty bodies, in the elaboration of a human rights concept that takes gender into account. The Human Rights Committee and the Committee on Economic, Social and Cultural Rights increasingly consider the impact of gender on the enjoyment of rights protected under the two Covenants, in the consideration of the reports of States parties, in concluding comments and general comments and recommendations.

"On the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women reaffirm their individual and joint responsibility to contribute to the enjoyment of all human rights by all members of society, as foreseen in the Declaration upon which they are based. To that end, they pledge to increase their efforts to assess factors and obstacles that impinge on women's enjoyment of their civil, political, economic, social, cultural and other rights and to suggest specific actions on how such obstacles might be overcome so that full enjoyment of human rights by all, without discrimination, may be realized."

2. The CHAIRPERSON expressed the hope that the Committee would approve the text as it stood, subject to a minor amendment in the last paragraph but one, suggested by Mr. Alston: "provides leadership" should be replaced by "plays a vital role".

3. Mr. WIMER ZAMBRANO said he found the text somewhat too repetitive; a shorter version might have greater impact. He also wondered what exactly was meant by "other rights" in the last sentence?

4. Ms. JIMÉNEZ BUTRAGUEÑO said that since the joint statement dealt with gender awareness, some reference ought to be made to the Fourth World Conference on Women (Beijing, 1995) and its results, and not only to the World Conference on Human Rights (Vienna, 1993).

5. Ms. BONOAN-DANDAN (Rapporteur) said that although the Fourth World Conference on Women had been of vital importance in the area of women's rights, the purpose of the joint statement was to focus on the indivisibility and interdependence of human rights, and not specifically of women's rights. She therefore did not consider that a reference to the Conference was really necessary.

6. Mr. TEXIER said that, while he would not object to the adoption of the draft joint statement in principle, he would have preferred a text that put forward specific proposals rather than merely making a series of fairly obvious statements.

7. The CHAIRPERSON answered that the purpose of the text was not to promote new ideas but merely to constitute a statement, representing the views of all three Committees, appropriate for the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights.

8. Mr. TEXIER thought some mention ought nevertheless to be made of the real situation, namely that neither the indivisibility of human rights nor the equality of the sexes was duly recognized, though the three Committees would continue to strive to achieve those goals. An additional sentence to that effect might give the joint statement greater force.

9. Ms. JIMÉNEZ BUTRAGUEÑO endorsed Mr. Texier's comments. She was not in favour of a mere declaration of principles but of a more realistic text referring specifically to the results of the Fourth World Conference on Women and making some kind of recommendation on how to improve the current situation, preferably in the last paragraph.

10. The CHAIRPERSON said he took it that Committee members were in favour of adopting the draft joint statement in principle, on the understanding that their amendments and comments would be duly taken into account during consultations between representatives of the three different Committees with a view to drafting a final version.

11. It was so agreed.

The meeting was suspended at 11 a.m. and resumed at 11.10 a.m.

12. Mr. Alston took the Chair.

Draft general comment 10: The role of national institutions in the protection of economic, social and cultural rights

13. The CHAIRPERSON, introducing the draft general comment, said that national institutions were important to the work of the Committee for two reasons: firstly their worldwide proliferation, and secondly their flexible mandate, which enabled them to examine economic, social and cultural

rights closely. An informal survey conducted on the activities of such institutions showed that they were doing some very useful work. A case in point was the South African Commission on Human Rights, which had recently produced a report on its "national poverty hearings", using the Covenant as a reference framework.

14. The text of the draft general comment, available in English only, read as follows:

"The role of national institutions in the protection of economic, social and cultural rights

"1. Article 2 (1) of the Covenant obligates each State Party "to take steps ... with a view to achieving progressively the full realization of the [Covenant] rights ... by all appropriate means ...". The Committee notes that one such means through which important steps can be taken is national institutions for the promotion and protection of human rights. In recent years there has been a proliferation of these institutions and the trend has been strongly encouraged by the General Assembly and the Commission on Human Rights. The Office of the High Commissioner for Human Rights has established a major programme to assist and encourage States in relation to national institutions.

"2. These institutions range from national human rights commissions through ombudsmen to offices of human rights advocates or human rights defenders. In most cases the institution has been established by the government, enjoys an important degree of autonomy from the executive and the legislature, takes full account of international human rights standards which are applicable to the country concerned, and is mandated to perform various activities designed to promote and protect human rights. Such institutions have been established within States with widely differing legal cultures and regardless of their economic situation.

"3. The Committee notes that national institutions have a crucial role to play in promoting and ensuring the indivisibility and interdependence of the two sets of rights. It is therefore essential that full attention be given to economic, social and cultural rights in all of the relevant activities of these institutions. The following list is by no means exhaustive but provides an indication of the types of activities that can be (and in fact already have been) undertaken by national institutions in relation to these rights:

(a) the promotion of educational programmes designed to enhance awareness and understanding of economic, social and cultural rights both within the population at large and among particular groups such as the public service, the judiciary, the private sector and the labour movement;

(b) the scrutinising of draft legislation and administrative acts to ensure that they are consistent with the requirements of the Covenant on Economic, Social and Cultural Rights;

(c) providing technical advice, or undertaking surveys etc., for the judiciary, if requested;

(d) the identification of national level benchmarks against which the realization of Covenant obligations can be measured;

(e) conducting inquiries designed to ascertain the extent to which particular economic, social and cultural rights are being respected, either within the State as a whole or in areas or regions of particular vulnerability;

(f) monitoring governmental compliance with specific rights recognized under the Covenant and providing reports thereon to the Government, the Parliament and civil society;

(g) processing complaints alleging violations of applicable economic, social and cultural rights standards within the State.

"4. The Committee calls upon States Parties to ensure that the mandates accorded to all national human rights institutions include appropriate attention to economic, social and cultural rights and requests States Parties to include details both of the mandates and the principal relevant activities of such institutions in their reports submitted to the Committee."

15. He invited members to make preliminary remarks on the draft general comment before turning to a paragraph-by-paragraph consideration of the text.

16. Ms. BONOAN-DANDAN said that the draft general comment was a timely reminder of the Covenant, whose existence many national institutions, at any rate in the South-East Asia region, seemed to have forgotten. She noted with satisfaction that the text made no allusion to the controversial issue of the autonomy of such institutions.

17. The CHAIRPERSON said he had drawn some inspiration from a passage in the 1998 report of the Canadian Human Rights Commission, which read: "Some issues go beyond the Commission's immediate jurisdiction, but they cannot be ignored in any assessment of human rights in Canada. For example, the Canadian Human Rights Act makes no mention of poverty and does not include social condition as a prohibitive ground of discrimination. Yet in the broader context, poverty is a serious breach of equality rights ... The international community has recognized for some time that human rights are indivisible and that economic and social rights cannot be separated from political, legal or equality rights. It is now time to recognize poverty as a human rights issue here at home as well." That was tantamount to an admission by the institution that it had not taken economic, social and cultural rights seriously in the past, and that the time had now come to do so. Draft general comment 10 should motivate national institutions to take up those issues.

18. Mr. ADEKUOYE said that, although attempts had been made to establish human rights commissions in the West Africa region, for the most part such bodies lacked real autonomy. Moreover, they generally failed to take account of economic, social and cultural rights. The Committee would be in dereliction of its duty if it failed to disseminate information on its work and on the requirements of the Covenant to national authorities.

19. Mr. SADI said that, while he fully supported the draft general comment, he also felt that the text should acknowledge the fact that national institutions in developing countries often focused exclusively on civil and political rights and made no attempt at all to promote economic, social and cultural rights, which they perceived as being solely the responsibility of the State. The text should state not only that national institutions had a crucial role in that regard, but also that they sometimes signally failed to play that role.

20. Mr. TEXIER said that, with national institutions proliferating in many countries throughout the world, a draft general comment recalling their potential role in the promotion of economic, social and cultural rights was both welcome and timely.

21. Mr. PILLAY said that the draft general comment was a laudable and long-awaited initiative. In the past there had been a tendency to perceive the enjoyment of economic, social and cultural rights as an unrealizable ideal. National human rights institutions had an important educational role to play in combating that perception, and the draft general comment would provide them with useful guidance on how best to set about that task. The refernece in paragraph 3 to "two sets of rights" should be replaced by a reference to "all human rights".

22. Ms. JIMÉNEZ BUTRAGUEÑO proposed that the words "human rights" should be inserted after the word "national" in the title of the draft general comment.

23. Mr. MARCHÁN ROMERO said that the list of activities contained in paragraph 3 of the text was not exhaustive. Reference should also be made to the role of national institutions, first, in monitoring States' obligation to comply with basic minimum standards in implementing all the rights set forth in the Covenant, especially in times when resources were scarce; and secondly, in monitoring their obligation to move progressively towards full realization of those rights, without recourse to delaying or retrograde measures - an obligation set forth in the Quito Declaration adopted on 24 July 1998.

24. The CHAIRPERSON invited members to consider the text of the draft general comment paragraph by paragraph.

Title

25. The CHAIRPERSON said that, if he heard no objection, he would take it that the Committee wished to amend the title of draft general comment 10 so as to read "The role of national human rights institutions in the protection of economic, social and cultural rights", as proposed by Ms. Jiménez Butragueño.

26. It was so decided.

Paragraphs 1 and 2

27. Paragraphs 1 and 2 were approved on first reading.

Paragraph 3

28. The CHAIRPERSON proposed meeting the concerns expressed by Mr. Sadi and other members by redrafting the chapeau of paragraph 3 to read:

> "The Committee notes that national institutions have a potentially crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights. Unfortunately, this role has too often been neglected or given a low priority to date. It is therefore essential that full attention be given to economic, social and cultural rights in all of the relevant activities of these institutions. The following list is by no means exhaustive but provides an indication of the types of activities that can be (and in fact already have been in some instances) undertaken by national institutions in relation to these rights:".

29. Mr. SADI supported the proposed changes, but further proposed adding the words "due to the false view that these rights can be realized only through State action", after the words "to date" in the second sentence.

30. Mr. CEVILLE said that national institutions existed to promote human rights, to verify Governments' compliance with their international human rights obligations, and to denounce any failure on the part of Governments to comply with those obligations. Yet it was for Governments to implement the provisions of international human rights instruments. Consequently, he found the addition proposed by Mr. Sadi unacceptable.

31. Ms. BONOAN-DANDAN said that in many countries human rights commissions had been set up by the Government and, although they claimed to have some degree of autonomy, actually operated as quasi-governmental institutions. That state of affairs could not be reconciled with the formulation proposed by Mr. Sadi.

32. Mr. AHMED said that Mr. Sadi's proposed addition introduced into the text a polemical element which he would sooner avoid. The example of Canada bore out the contention that in most cases Governments were indeed responsible for the realization of economic, social and cultural rights.

33. Mr. ADEKUOYE supported Mr. Ahmed's remark, and also questioned the appropriateness of the term "neglected" in the sentence under discussion. If, as was sometimes the case, national commissions were not mandated to deal with economic, social and cultural rights, it was hardly fair to accuse them of "neglecting" those rights. The key point was to ensure that their remit included economic, social and cultural rights.

34. The CHAIRPERSON said he took it that, in view of the comments which had just been made, Mr. Sadi wished to withdraw his proposal.

35. Mr. AHMED proposed the formulation, "Unfortunately this potential role has so far escaped the attention of human rights institutions".

36. The CHAIRPERSON said he believed that the Committee would not find that wording sufficiently critical, since, as had been mentioned, a number of institutions actually ignored their mandate to conduct activities in support of human rights. On the basis of the comments made, he believed that the following wording would be acceptable to the Committee: "Unfortunately, this role has too often not been accorded to these institutions, or has been neglected or given low priority."

37. He invited comments on subparagraph (a).

38. Ms. BONOAN-DANDAN proposed that "the promotion of educational programmes" should be amended to: "the promotion of educational and information programmes".

39. The CHAIRPERSON said that seemed acceptable, and asked for comments on subparagraph (b).

40. Mr. SADI said that, in addition to "draft legislation and administrative acts" reference should also be made to existing legislation.

41. The CHAIRPERSON, noting no objection to that proposal, asked for comments on subparagraph (c).

42. Ms. BONOAN-DANDAN asked why the activities mentioned in the subparagraph should be performed only for the benefit of the judiciary. The human rights organizations, for example, provided advice and services for a wide range of agencies on request.

43. The CHAIRPERSON suggested that the words "and other agencies" should be added after the word "judiciary".

44. Mr. CEAUSU said that in countries which operated under a "rule of law" system, institutions such as human rights commissions could provide technical advice or undertake surveys on behalf of the government department which administered the legal system. They could not, however, do so on behalf of the judiciary, which had to remain independent from outside interference.

45. The CHAIRPERSON suggested that, to take account of that objection, the words "by branches of government or other agencies" should be inserted at the end of the subparagraph. It should be borne in mind that in some countries the judiciary had the power to request reports or surveys to complement submissions made by the Government.

46. Mr. CEVILLE endorsed the Chairperson's comment. In some countries, jurisprudence on human rights was often unavailable, not because of a failure to incorporate it in national legislation, but because the countries concerned lacked the know-how and technical means to exploit it. For the sake of consensus he could accept the general term "judiciary", but he would like to see a more specific reference to the justice system, which was more properly the focus of the Committee's attention.

47. The CHAIRPERSON, noting that there were no comments on subparagraph (d), asked the Committee for its opinions on subparagraph (e).

48. Mr. SADI proposed that the words "Conducting inquiries designed to ascertain" should be replaced by the one word "Ascertaining". The notion of "inquiries" was too limitative.

49. The CHAIRPERSON said he believed that subparagraph (f) should meet Mr. Sadi's objection. He had wanted to refer specifically to "inquiries" in the draft, because they were the mechanism that a number of commissions useful in investigating the application of human rights.

50. Ms. JIMÉNEZ BUTRAGUEÑO suggested that the notion of "areas or regions of particular vulnerability" should be expanded to include communities such as the disabled, foreigners, and those with special needs.

51. The CHAIRPERSON agreed, and suggested that a phrase such as "or in relation to communities of particular vulnerability" could be included.

52. Mr. SAMIR suggested that the word "inquiries" might be replaced by "research and inquiries".

53. Mr. CEAUSU observed that the first part of the subparagraph tended to suggest that it concerned the respect accorded to rights by all parties, which would include the governmental authorities. As the next subparagraph dealt with the responsibilities of governmental authorities, the words "the extent to which particular economic, social and cultural rights are being respected" might be replaced by "... the extent to which those entitled to them exercise their economic, social and cultural rights".

54. The CHAIRPERSON found that acceptable, but suggested replacing "exercise" by "realize".

55. Mr. WIMER suggested placing "regions" before "areas", as the larger entity should come first.

56. The CHAIRPERSON replied that it might be simpler to delete the reference to regions. He welcomed Mr. Ceausu's proposal, which allowed the subparagraph to focus more specifically on the realization of rights, rather than simply on governmental compliance, which was dealt within the next subparagraph. He took it that the Committee had no objections to subparagraph (e) as just amended, and invited comments on subparagraph (f).

57. Mr. SADI said that it was tautological to speak of reporting to the Government and to Parliament, as the former included the latter.

58. Mr. CEAUSU said that the phrase normally used to refer to all State institutions was "public authorities".

59. Mr. AHMED said that it would be more in keeping with the Committee's usual language to replace "governmental compliance" by "States parties' compliance".

60. The CHAIRPERSON agreed; that formulation tied the subparagraph more closely to the Covenant. All the amendments proposed to subparagraph (f) seemed acceptable. He invited comments on subparagraph (g).

61. Mr. SADI said that the phrase "processing complaints" implied extensive official action, whereas many of the human rights organizations that would be engaged in such activities were private or non-official bodies.

62. The CHAIRPERSON suggested replacing "processing" by "considering" or "examining".

63. Mr. SADI said he preferred "examining".

64. The CHAIRPERSON, after noting that the Committee had no objections to paragraph 4, asked whether it wished to make any other observations on draft general comment 10.

65. Mr. AHMED said that the draft, especially paragraph 3, made a significant contribution to furthering the interdependence and indivisibility of all human rights.

66. The CHAIRPERSON thanked Mr. Ahmed, and said that the thinking behind draft general comment 10 was that for too long there had been only two partners concerned with implementation of the economic rights referred to in the Covenant: Governments and the Committee. The overall aim of the three general comments being examined at the current session was to mobilize greater support from the judiciary and the administrative authorities (general comment 9), the national institutions (general comment 10) and Governments (general comment 11). With regard to No. 11, benchmarks were intended as a means of defining more closely the role of Governments as partners in the promotion of rights under the Covenant.

67. He took it that the first reading of the draft had been completed. He would resubmit it, taking account of the amendments which had just been proposed, at a later stage in the session, when versions in the Committee's other languages would also be available.

Draft general comment 11: Benchmarks for assessing progress in the realization of economic, social and cultural rights

68. The CHAIRPERSON invited the Committee to consider draft General Comment No. 11, the text of which, still incomplete and available only in English, read as follows:

> "Benchmarks for assessing progress in the realization of economic, social and cutural rights
>
> "1. In its very first General Comment (No. 1 of 1989), the Committee observed that one of the objectives of the reporting obligations undertaken by States when they become parties to the Covenant is 'to provide a basis on which the State party itself, as well as the Committee, can effectively evaluate the extent to which progress has been made towards the realization' of the relevant rights.

Specifically, the Committee recommended that States 'identify specific benchmarks or goals against which their performance in a given area can be assessed'. The purpose of the present General Comment is to underscore the importance of benchmarks and to elaborate upon the concept.

"2. The Committee has consistently observed that the primary role in monitoring respect for economic, social and cultural rights rests with States Parties themselves. The role of the Committee is complementary and catalytic. Its task is greatly facilitated where appropriate measures have been taken at the national level to facilitate fully effective monitoring of compliance with international obligations relating to those rights. National-level benchmarks are of particular importance in this context because the extent of each State Party's obligations reflects the level of resources available. Thus while each right has a minimum core content which is applicable everywhere, appropriate standards which meet the obligation in article (2) (1) to 'take steps ... to the maximum of available resources' will vary significantly from one country to the next. National-level standards are therefore a necessary element in any implementation strategy.

"3. Over a decade ago the Commission on Human Rights invited States Parties to the Covenant 'to consider identifying benchmarks to measure achievements in the progressive realization of the rights recognized in the Covenant'. It has repeated this recommendation every year since that time and in 1998 called for the identification of 'specific benchmarks designed to give effect to the minimum essential levels of enjoyment of economic, social and cultural rights'.

"4. What is meant by a benchmark in this context? First of all, a distinction must be drawn between benchmarks and indicators. The latter are essentially statistical in nature, require the collection of quantifiable and accurate data, as well as the expertise necessary to compile and analyse those data. Because of unavoidable shortcomings in technical capacities in most countries, a significant number of caveats or qualifications are usually attached to the use of any given indicator. Finally, the capacity to gather, analyse and made use of the data required for indicators is heavily dependent upon the availability of the appropriate technical expertise and resources. A great many of the States Parties to the Covenant do not yet have sufficient capacity to collect such indicators on a reliable and systematic basis in relation to all of the Covenant rights.

"5. The Committee considers the benchmark approach to be significantly different from that relating to indicatiors. Benchmarks are, in essence, targets established by Governments, on the basis of appropriately consultative processes, in relation to each of the economic, social and cultural rights and obligations assumed by the State concerned. Those targets will be partly quantitative (and thus more closely assimilated to indicators) and partly qualitative. They will be linked to specific time frames. And they will provide a basis upon which the reality of 'progressive realization' can be measured. Unlike indicators, benchmarks take specific human rights standards as

their starting point. Thus, the setting of a benchmark, and the identification of the criteria by which it is to be measured, is not dependent upon, or limited by, the availability of a technically accepted indicator or of detailed statistical data linked to that indicator. Benchmarks can be more subjective and more tailored to a specific context than indicators. The manner in which they are set should be consultative rather than technocratic and opportunities should be available for the social partners and civil society in general to make inputs into their design and evaluation.

"6. Benchmarks should be linked to mechanisms of accountability in the sense that failure to reach a given benchmark should trigger an appropriate remedial response. Both the nature of the trigger and the relevant remedies are matters to be determined in the light of domestic considerations, provided only that the human rights framework is borne constantly in mind. This dimension also serves to underline the primarily domestic nature of the benchmark process."

69. The text would finish in the normal way with a number of recommendations to States and also with some recommendations to international organizations and others to assist States, if so requested, in identifying benchmarks. He invited general comments from the Committee, either on the matter dealt with in the text or on the approach outlined.

70. Mr. AHMED said the draft general comment would be very useful, in particular because of the clear definition it gave of the concept of benchmarks.

71. Ms. BONOAN-DANDAN, welcoming the draft general comment, said there had for some time been a need for a text clearly explaining what benchmarks were, since the outside world had a very vague understanding of the implication of the term and frequently confused it with indicators. Furthermore, benchmarks could lead the way to the kind of indicators that were obtainable in actual practice.

72. Mr. CEAUSU also endorsed the proposal to issue a general comment on the subject of benchmarks.

73. The CHAIRPERSON invited comments on the text paragraph by paragraph.

Paragraph 1

74. Mr. CEAUSU said that, since the Commission on Human Rights had been the first body to advocate the use of benchmarks, it would be more logical to make paragraph 3 the introductory paragraph.

75. Ms. BONOAN-DANDAN said that, although that might be more logical from the chronological point of view, it would be most unusual for a general comment from the Committee to begin with a statement from the Commission.

76. The CHAIRPERSON said the reason for referring to the Commission's statement had been to indicate the long-term political support that had existed for the concept of benchmarks.

77. Mr. GRISSA suggested that a solution might be to delete paragraph 3 and insert its text after the second sentence in paragraph 1. That would make it clear that the Committee's views were in line with the Commission's thinking as expressed over a period of time.

78. It was so agreed.

79. Mr. CEVILLE said that even if States Parties were to be recommended to set their own benchmarks it would be useful to give a few guidelines somewhere in the text as to how they might set about it.

80. The CHAIRPERSON, endorsing that view, said the only problem was that because of the large number of fields involved, each having many conceivable benchmarks, an invidious process of selection would necessarily have to be undertaken if the general comment was to be kept to reasonable proportions.

81. Ms. BONOAN-DANDAN said that perhaps specific examples need not be provided. Some generalized formula might well be found that would give the requisite overall guidance.

82. The CHAIRPERSON said the simplest option, if it was felt necessary to provide guidelines, would be to select a single field, for example the right to education - which was to be the subject of a day of general discussion at the present session - and give examples of the kind of benchmarks that could be used to address certain issues. A number of papers for the day of general discussion dealt with the question of benchmarks, so that a number of quotable examples could well emerge from that debate.

83. Mr. AHMED suggested that indicators such as the literacy rate, or the attendance rate for primary, secondary and higher education, might be chosen, with benchmarks taken to indicate the improvement expected in those indicators over a given time period.

84. The CHAIRPERSON proposed that the matter should be left in abeyance until after the day of general discussion had given some indication of what examples might be most useful.

85. It was so agreed.

Paragraph 2

86. Mr. SADI said that the role of the Committee was not only complementary and catalytic, as stated in the second sentence. It had another, very important dimension, that of holding States Parties accountable for their actions with respect to economic, social and cultural rights.

87. The CHAIRPERSON said that concern might be met by amending the second sentence to read: "The role of the Committee in holding States Parties accountable is complementary and catalytic."

88. Mr. WIMER ZAMBRANO, considering it inappropriate to use chemical metaphors on such an important topic, suggested that the words "complementary and catalytic" should be replaced by "to review, stimulate and complete the activities of States Parties".

89. The CHAIRPERSON said the comments made would be taken into account in preparing a revised text for later submission to the Committee.

Paragraph 4

90. Mr. GRISSA thought it would be preferable to avoid beginning the paragraph with a question.

91. Mr. WIMER ZAMBRANO, noting that, generally speaking, benchmarks and indicators were basically quantitative, said that such statistics were readily available from the documentation issued by various United Nations bodies and agencies. However, meeting quantitative benchmarks depended not only on a State's technical resources but also on its economic strength. Some countries did not have the funds to reach targets that presented no problem to others. That had to be borne in mind when considering a country's commitments and its obligations to meet certain statistical goals.

92. The CHAIRPERSON agreed that it was unrealistic to judge a country's performance on the basis of indicators alone, since even in many highly developed countries certain indicators were not readily available or reliable. On the other hand, a benchmark approach would mean that a government could use what information it had available to estimate, say, what proportion of girls were attending school and then set a benchmark for the increase to be expected within a given period, measurable on the basis of similar, accessible information. That would provide a much more flexible mode of operation without the need to depend on indicators from outside sources.

93. Mr. GRISSA said that in many cases countries themselves could provide their own indicators. Indeed, most developing countries had their own data on poverty, illiteracy or incidence of disease from which benchmarks could be set. The statistics found in international publications, in fact, were generally provided by the countries themselves. The Committee could therefore expect such data to be forthcoming.

94. The CHAIRPERSON said that the paragraph would be redrafted in the light of the comments made.

Paragraph 5

95. The CHAIRPERSON noted that the paragraph required to be redrafted before being submitted to detailed discussion.

96. Mr. CEVILLE said it would be useful to include an explanation of exactly what was meant by the term "appropriately consultative processes" in the second sentence.

97. Mr. GRISSA suggested that since the paragraph was rather long and contained information on two separate topics, it could usefully be divided into two.

98. The CHAIRPERSON said that a revised draft of the general comment would be prepared in the light of the Committee's observations and submitted to a subsequent meeting.

The meeting rose at 1 p.m.